

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

PRISM TECHNOLOGIES LLC,

Plaintiff,

v.

AT&T MOBILITY LLC,

Defendant.

Civil Action No. 8:12-cv-122-LES-TDT

Jury Trial Requested In Omaha

PRISM TECHNOLOGIES LLC,

Plaintiff,

v.

SPRINT SPECTRUM L.P.,

Defendant.

Civil Action No. 8:12-cv-123-LES-TDT

Jury Trial Requested In Omaha

PRISM TECHNOLOGIES LLC,

Plaintiff,

v.

T-MOBILE USA, INC.,

Defendant.

Civil Action No. 8:12-cv-124-LES-TDT

Jury Trial Requested In Omaha

PRISM TECHNOLOGIES LLC,

Plaintiff,

v.

U.S. CELLULAR CORP.,

Defendant.

Civil Action No. 8:12-cv-125-LES-TDT

Jury Trial Requested In Omaha

PRISM TECHNOLOGIES LLC,

Plaintiff,

v.

CELLCO PARTNERSHIP D/B/A VERIZON
WIRELESS,

Defendant.

Civil Action No. 8:12-cv-126-LES-TDT

Jury Trial Requested In Omaha

**DEFENDANTS' COMMON *DAUBERT* MOTION TO EXCLUDE TESTIMONY OF
PRISM'S DAMAGES EXPERT MR. JAMES E. MALACKOWSKI**

Prism Technologies, LLC's ("Prism") damages expert, Mr. James E. Malackowski, issued an expert report with respect to each of the Defendants AT&T Mobility LLC ("AT&T"), Sprint Spectrum L.P. ("Sprint"), T-Mobile, U.S.A., Inc. ("T-Mobile"), U.S. Cellular Corporation, d/b/a U.S. Cellular ("U.S. Cellular"), and Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") (collectively "Defendants").¹ Defendants respectfully request that the Court preclude Mr. Malackowski from testifying as to the opinions expressed in his expert report because those opinions are not based on reliable principles or methodologies, are not based on the facts of the case, and/or are not legally sound. The fatal flaws of Mr. Malackowski's opinions are fully described in the accompanying brief in support of this motion.

Dated: July 7, 2014

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¹ Pursuant to the Court's Order of June 13, 2014 permitting the filing of a common *Daubert* motion, Defendants have prepared one motion and are submitting this motion and supporting pleadings in each of the above-captioned actions.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 7, 2014 true and correct copies of the foregoing were served via the Court's CM/ECF system as follows:

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